

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

WP(C).No. 6740 of 2007(B)

PETITIONER:

1. ESSAR TELECOM AND INFRASTRUCTURE
PVT. LTD.(EARLIER KNOWN AS TELECOM TOWER AND
INFRASTRUCTURE PVT.LTD. AND BEFORE THAT KNOWN AS
AEGIS CRM SOLUTIONS (P) LTD) ESSAR HOUSE,
P O BOX NO.7945, MAHALAXMI, MUMBAI – 34 HAVING ITS OFFICE
AT ERNAKULAM AT TOWER B, 2ND FLOOR, MATHER SQUARE,
ERNAKULAM, REP. BY POWER OF ATTORNEY HOLDER, M.K.NARAYANAN,
S/O.GOVINDAN NAIR, AGED 60, R/AT C/O. MR.ANTHONY, H.NO.65/1656,
KIRIANTHAL HOUSE, SRM CROSS ROAD,
OPP. PACHALAM BUS STOP, KOCHI-17.
2. MRC TRANSOLUTIONS (P) LTD.,
39/425/1, PUTHIYA ROAD, VENNALA P.O., REP. BY
BRANCH HEAD AND POWER OF ATTORNEY HOLDER PRADEEP
NAIR, S/O. KRISHNAN KUTTY NAIR, KANNEKKADU HOUSE,
CHAKKARAPARAMBU, VENNALA P.O., ERNAKULAM.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS:

1. THE INTELLIGENCE INSPECTOR,
COMMERCIAL TAXES, MATTANCHERRY AT ALUVA-681 301.
2. THE INTELLIGENCE OFFICER,
MATTANCHERY SQUAD NO.1, MINI CIVIL STATION,
ALUVA.

BY SR.GOV.T.PLEADER SRI. MOHAMMED RAFIQ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.BALAKRISHNAN NAIR, J.

WP(C).No.6740 OF 2007-B

Dated this the Ist day of March, 2007.

JUDGMENT

This writ petition is filed challenging Ext.P8 notice issued by the first respondent, under Section 47 (2) of the Kerala Value Added Tax Act, 2003. A consignment along with the vehicle has been detained calling upon the petitioner to furnish security for Rs.61,750/-. The consignee is Aegis CRM Solutions Pvt. Ltd. The petitioner submits, the said name has been later changed as Essar Telecom and Infrastructure Pvt. Ltd. The petitioner prays for releasing the goods in respect of which Ext.P8 notice has been issued.

2. Heard the learned Government Pleader for the respondents. The learned Government Pleader, upon instruction, submitted that the consignment was not accompanied by any documents and therefore it was detained by the first respondent.

3. If the petitioner furnishes security for the amount demanded under Ext.P8 to the satisfaction of the first respondent, the consignment shall be released forthwith. The first respondent shall forward the file leading to the issuance of Ext.P8 to the Commercial Taxes Officer (Enquiry) having jurisdiction over the matter. The said Officer shall pass final orders on Ext.P8, after affording an opportunity

of being heard to the petitioner, within six weeks from the date of production of a copy of this judgment.

The writ petition is disposed of as above.

MS

K.BALAKRISHNAN NAIR,
JUDGE.